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**PURPOSE**

Delinquent youth under the care and supervision of the Michigan Department of Health and Human Services (MDHHS) must be in an approved placement with legal permission. Juvenile justice specialists and managers must ensure timely actions are taken to notify all required individuals and diligent search efforts are made to locate the youth and return the youth safely to an approved placement.

Youth that have been referred to the Michigan Department of Health and Human Services (MDHHS) under MCL 400.55(h) or committed to MDHHS under 1974 PA 150 for delinquency are subject to the same policy requirements as abuse/neglect foster care youth outlined in [FOM 722-03A, Absent Without Legal Permission](#) with the exceptions and additions in this policy item.

**DEFINITIONS****Absent without  
Legal Permission  
(AWOLP)**

A youth solely adjudicated for a status offense(s) is considered to be in absent without legal permission (AWOLP) status if he or she leaves any approved placement without legal permission or fails to return when required.

A youth is considered to be in AWOLP status if he or she leaves his or her approved placement in a parent/legal guardian home or own home/independent living without legal permission or fails to return when required.

**Escape**

MCL 803.306a and MCL 400.115n define the escape of a youth as "to leave without lawful authority or to fail to return to custody when required" when from a facility or residence "other than his or her own home or the home of his or her parent or guardian."

A youth is considered to be in escape status if he or she is not a status offender and leaves an approved placement other than his or her own home or the home of his or her parent or guardian without legal permission or fails to return when required.

**NOTIFICATION**  
**Immediately**

Upon receipt of information that a youth is in AWOLP or escape status, immediate action must be taken by the local MDHHS office supervising the juvenile justice case to complete required notifications, including any victim notification required in [JJM 260, Victim Notification](#). For all other notifications, see [FOM 722-03A, Notification](#).

**Exception:** Placement Agency Foster Care provider policy does not apply to the juvenile justice program.

Determine if a MDHHS Alert Unusual Case/Incident or DHS Alert needs to be completed based on the circumstances of the case, such as the potential for coming to the public's attention or could generate media stories, etc.

**Within 24-hours**

See [FOM 722-03A, Absent Without Legal Permission](#).

**Within One  
Business Day**

The local MDHHS office supervising the juvenile justice case must take the actions identified in FOM 722-03A, Absent Without Legal Permission, within one business day of the youth's absence.

**Exception:** Placement Agency Foster Care provider policy does not apply to the juvenile justice program.

**DILIGENT SEARCH****Within Two  
Business Days**

As soon as possible, but within two business days of the child's absence, the local MDHHS office supervising the juvenile justice case must commence a diligent search for the youth as indicated in [FOM 722-03A, Diligent Search](#).

**Exception:** Placement Agency Foster Care provider policy does not apply to the juvenile justice program.

**Ongoing AWOLP  
Diligent Search**

At a minimum, the assigned juvenile justice specialist must repeat a diligent search every calendar month until the youth is located. The assigned juvenile justice specialist must document all efforts to locate the youth in social work contacts, including any youth-initiated contacts, in the service plan.

The juvenile justice specialist must continue to notify law enforcement of any new information to aid in their efforts to locate the youth.

**CHILD LOCATOR  
CENTRALIZED UNIT**

The Child Locator Centralized Unit will complete all activities outlined in [FOM 722-03A, Child Locator Centralized Unit](#).

**Criteria to Place a  
Youth on the Child  
Locator Website**

In order to place a youth's information on the Child Locator Website, the juvenile justice specialist must complete the DHS-710, Clearance to Publish Children AWOLP on DHS Web, and obtain the required signatures. For delinquent wards referred to MDHHS under MCL 400.55(h) or committed to MDHHS under 1974 PA 150 under 18 years of age, a parent/legal guardian must consent.

Once completed, the form must be forwarded to the Child Locator Centralized Unit; see FOM 722-03A, Criteria to Place a Child/Youth on the Child Locator Website.

**REQUEST FOR  
APPREHENSION  
ORDER**

The local MDHHS office supervising the juvenile justice case must file a supplemental JC-04a, Petition (Delinquency Proceedings) with the court of jurisdiction to request the court to issue an order to apprehend the juvenile.

***Exception:*** Pursuant to MCL 803.306, a peace officer may return a delinquent youth to the approved facility in which he or she was placed without a warrant.

**PLACEMENT  
PAYMENTS**

The assigned juvenile justice specialist must process any payment changes according to [FOM 903-7, Temporary Breaks/Bed Hold Payments](#).

**WHEN AN  
AWOLP/ESCAPED  
YOUTH IS LOCATED**

As soon as possible, but no later than one business day after locating the youth, the local MDHHS office supervising the juvenile justice case must make any required victim notifications as outlined in [JJM 260, Victim Notification](#). The local MDHHS office supervising the juvenile justice case must also take the actions and complete documentation of the actions taken as outlined in [FOM 722-03A, when an AWOLP Youth Is Located](#).

**LEGAL BASE  
Federal****Suzanne Lyall Campus Safety Act, PL 101-647**

Requires law enforcement to notify the National Crime Information Center (NCIC) any time a person under age 21 is reported missing.

**The Victims of Trafficking and Violence Protection Act of 2000, PL 106-386, as amended**

A sex trafficking victim is defined as an individual subject to the recruitment, harboring, transportation, provision, obtaining, patronizing, or soliciting of a person for the purposes of a commercial sex act or who is a victim of a severe form of trafficking in persons in which a commercial sex act is induced by force, fraud, or coercion, or in which the person induces to perform the act is under 18 years old.

**The Adam Walsh Child Protection and Safety Act of 2006, PL 109-248**

Prohibits a state law enforcement agency from removing a missing person from its law enforcement data system or the National Crime Information Center computer database based solely on the age of such person.

**The Preventing Sex Trafficking and Strengthening Families Act, PL 113-183**

States must develop and implement plans to expeditiously locate any child missing from foster care; determine the primary factors that contribute to the child's running away or being absent from foster care; determine the child's experiences while absent from foster care, including screening whether the child was a victim of sex trafficking. The supervising agency must report within 24 hours of receiving information on missing or abducted children to the law enforcement authorities and the National Center for Missing and Exploited Children.

**State****Michigan Penal Code, 1931 PA 328, as amended, MCL 750.186a**

Established penalties for youth placed in a juvenile facility and who escape or attempt to escape from that juvenile facility or from the custody of an employee of that juvenile facility.

**The Probate Code, 1939 PA 288, as amended, MCL 712A.2c**

The court may issue an order authorizing a peace officer or other person designated by the court to apprehend a juvenile who is absent without leave from an institution or facility to which he or she was committed under section 18 of this chapter... The order shall set forth specifically the identity of the juvenile sought and the house, building, or other location or place where there is probable cause to believe the juvenile is to be found. A person who interferes with the lawful attempt to execute an order issued under this section is guilty of a misdemeanor punishable by imprisonment for not more than 90 days or a fine of not more than \$100.00, or both.

**The Probate Code, 1939 PA 288, as amended, MCL 712A.18j**

If a juvenile escapes from a state run or private, contracted secure facility or residence in which he or she has been placed for a violation described in section 2(a)(1) of this chapter, other than his or her own home or the home of his or her parent or guardian, the individual at that facility or residence who has responsibility for maintaining custody of the juvenile at the time of the escape shall immediately notify 1 of the following of the escape or cause 1 of the following to be immediately notified of the escape:

(a) If the escape occurs in a city, village, or township that has a police department, the police department of that city, village, or township.

(b) Except as provided in subdivision (a), 1 of the following:

(i) The sheriff department of the county in which the escape occurs.

(ii) The department of state police post having jurisdiction over the area in which the escape occurs.

(2) A police agency that receives notification of an escape under subsection (1) shall enter that notification into the law enforcement information network without undue delay.

(3) As used in this section, "escape" means to leave without lawful authority or to fail to return to custody when required.

**The Social Welfare Act, 1939 PA 280, as amended, MCL 400.115n**

Escape of juvenile from facility or residence; notification; definitions.

**The Youth Rehabilitation Services Act, 1974 PA 150, as amended, MCL 803.306**

A public ward shall not absent himself or herself from the facility or residence in which he or she has been placed without the youth agency's prior approval. A public ward who violates this provision may be returned to the facility in which he or she was placed by a peace officer without a warrant. A person who knows the whereabouts of a public ward who violates this subsection shall immediately notify the youth agency and the nearest peace officer.

**The Youth Rehabilitation Services Act, 1974 PA 150, as amended, MCL 803.306a**

**Escape from facility or residence; notification; orders; applicability of subsection (1); "escape" defined.**

**William Van Regenmorter Crime Victim's Rights Act, 1985 PA 87, as amended, MCL 780.770a(3)**

Upon the victim's written request, the family independence agency or county juvenile agency, as applicable, shall give to the victim notice of a juvenile's escape. A victim who requests notice of an escape shall be given immediate notice of the escape by any means reasonably calculated to give prompt actual notice. If the escape occurs before the juvenile is delivered to the family independence agency or county juvenile agency, the agency in

charge of the juvenile's detention shall give notice of the escape to the family independence agency or county juvenile agency, which shall then give notice of the escape to the victim who requested notice.

**Michigan  
Administrative  
Code**

**Licensing Rules for Child Placing Agencies, Mich Admin Code,  
R 400.12415**

Incident reporting policy.

**POLICY CONTACT**

Policy clarification questions may be submitted by juvenile justice supervisors and management to [Juvenile-Justice-Policy@michigan.gov](mailto:Juvenile-Justice-Policy@michigan.gov).

Child Locator Centralized Unit policy clarification questions may be submitted to [Child-Welfare-Policy@michigan.gov](mailto:Child-Welfare-Policy@michigan.gov).